EXHIBIT 1

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                 UNITED STATES DISTRICT COURT
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      NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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     IN RE: HIGH-TECH EMPLOYEE )
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     ANTITRUST LITIGATION ) No. 11-CV-2509-LHK
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 9
                     HIGHLY CONFIDENTIAL
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11
            VIDEOTAPED DEPOSITION OF EDWARD LEAMER
12
                  San Francisco, California
13
                   Friday, October 26, 2012
                            Volume I
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     Reported by:
    ASHLEY SOEVYN
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    CSR No. 12019
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     Job No. 1545691
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     PAGES 1 - 476
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left-hand side? 16:54:51 A. Well, I'd said you see note No. 1, it 16:54:56 17 says, "Changes in compensation measured only on 16:54:57 18 employees that did not switch jobs from previous 16:54:59			
Q. Did you include one-time compensation 4 events in your average? A. One time compensation events? Q. Sign-up incentives you talk about in your 16:54:32 report, for example? A. I often have had the new employees excluded. Q. Did you? 16:54:42 A. And in this data set, I'm not entirely sure. 16:54:48 Q. Does it indicate you have excluded employees, you have a number of employees on the 16:54:49 temployees, you have a number of employees on the 16:54:54:51 A. Well, I'd said you see note No. 1, it says, "Changes in compensation measured only on temployees that did not switch jobs from previous pear." Q. You have an opinion that the years 2004 and 16:55:06 A. Well, this is hypothetical. So if you look 16:55:14 at this data set, you might think that 2011 was a period of time of rapid expansion in the tech 16:55:26	1	of calculation that's implied by the conduct	16:54:25
4 events in your average? A. One time compensation events? Q. Sign-up incentives you talk about in your 16:54:32 report, for example? A. I often have had the new employees 16:54:35 excluded. Q. Did you? 16:54:40 Q. Did you? A. And in this data set, I'm not entirely 16:54:43 sure. 16:54:48 Q. Does it indicate you have excluded 16:54:49 employees, you have a number of employees on the 16:54:51 A. Well, I'd said you see note No. 1, it 16:54:56 7 says, "Changes in compensation measured only on 16:54:57 18 employees that did not switch jobs from previous 19 year." Q. You have an opinion that the years 2004 and 16:55:01 Q. You have an opinion that the years 2004 and 16:55:04 A. Well, this is hypothetical. So if you look At this data set, you might think that 2011 was a 16:55:16 period of time of rapid expansion in the tech 16:55:26	2	variables.	16:54:27
A. One time compensation events? Q. Sign-up incentives you talk about in your 16:54:32 report, for example? A. I often have had the new employees 9 excluded. Q. Did you? 16:54:40 Q. Did you? A. And in this data set, I'm not entirely 16:54:43 sure. Q. Does it indicate you have excluded 16:54:49 16:54:49 16:54:49 16:54:49 17 18 employees, you have a number of employees on the 16:54:50 16:54:51 A. Well, I'd said you see note No. 1, it 16:54:56 17 says, "Changes in compensation measured only on 16:54:57 18 employees that did not switch jobs from previous 16:54:59 19 year." Q. You have an opinion that the years 2004 and 16:55:01 Q. You have an opinion that the years 2004 and 2011 are significant useful comparisons? A. Well, this is hypothetical. So if you look 16:55:14 24 at this data set, you might think that 2011 was a 16:55:25 25 sector, and 2004 was the aftermath of the tech 16:55:26	3	Q. Did you include one-time compensation	16:54:28
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sector, and 2004 was the aftermath of the tech 16:55:26	23	at this data set, you might think that 2011 was a	16:55:16
	24	period of time of rapid expansion in the tech	16:55:25
Page 377	25	sector, and 2004 was the aftermath of the tech	16:55:26
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1	downturn. And suppose then, you use them as	16:55:29
2	comparison years of before relevant before and	16:55:33
3	after years, that gives you an average increase in	16:55:35
4	compensation that's around 10 percent.	16:55:40
5	Q. Why not use 2010 as your after period?	16:55:43
6	A. Well, that's perfectly good, we can go with	16:55:47
7	that direction, but we have to talk about whether	16:55:50
8	which is the relevant comparison. And the thing is	16:55:52
9	that 2008 and '-9 were definitely recession periods.	16:55:57
10	2010 was the beginning of the aftermath, maybe 2011	16:56:01
11	was a more normal period. I'm not saying I'm not	16:56:07
12	saying yes. I'm not endorsing what I did, the	16:56:09
13	specifics of what I did.	16:56:12
14	The point is I'm trying to communicate how	16:56:15
15	the before and after calculation is done, where you	16:56:17
16	find a relevant before period, a relevant after	16:56:20
17	period, and you compute what would have happened had	16:56:22
18	the interim the period in which the agreement was	16:56:25
19	in place, what would have happened if it was more	16:56:28
20	like the before and after.	16:56:31
21	The regression has a much more	16:56:33
22	sophisticated way of identifying before and after.	16:56:35
23	Q. Your (Cross-talking.)	16:56:38
24	A. Please don't think that that this is the	16:56:38
25	work that I'm relying on trying to just introduce	16:56:38
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1	you to the before and after kind of thinking.	16:56:42
2	Q. Under your Figure 18, both 2010 and 2011	16:56:46
3	were periods of tepid recovery?	16:56:48
4	A. True.	16:56:52
5	Q. You don't distinguish between the two, do	16:56:53
6	you?	16:56:55
7	MR. GLACKIN: Objection, vague.	16:56:55
8	THE WITNESS: Well, like I said before,	16:56:56
9	this is an illustration. This is meant to be a	16:56:59
10	warm-up to the regression analysis. If you find it	16:57:01
11	confusing and you find regression analysis crystal	16:57:10
12	clear, then simply don't read this.	16:57:15
13	BY MR. PICKETT:	16:57:18
14	Q. If we use 2010 instead of 2011, you	16:57:18
15	wouldn't have an average 10 percent increase, would	16:57:23
16	you?	16:57:25
17	A. This was exactly my point is that you have	16:57:25
18	to have a relevant comparison period in order to do	16:57:28
19	the damage estimate. And that's what the regression	16:57:28
20	does, exactly what it does.	16:57:29
21	Q. You put this in, sir, so I am entitled to	16:57:31
22	cross-examine you.	16:57:36
23	A. But I'm telling you your questions are	16:57:38
24	exactly what I want you to be asking, which is what	16:57:39
25	other relevant periods for making a comparison. And	16:57:41
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1	you're raising it you're making the step in the	16:57:45
2	right direction to get to regression, which is	16:57:48
3	answering this question in a more complex and more	16:57:52
4	appropriate way, rather than sort of this ad hoc	16:57:54
5	discussion about what is a comparison period and	16:57:55
6	what is not.	16:57:59
7	Q. Why did you use 2011 as your part of	16:58:00
8	your benchmark rather than 2010, because it's 3.2	16:58:03
9	percent higher?	16:58:07
10	A. In order to encourage you to ask me why.	16:58:08
11	And that question reveals that you understand why we	16:58:11
12	need to go to regression, that you can't do damage	16:58:14
13	analysis in this simple table.	16:58:17
14	Q. Let me try it again. Why did you use 2011	16:58:19
15	rather than 2010 for part of your benchmark because	16:58:21
16	it's 3.2 percent lower?	16:58:24
17	MR. GLACKIN: Objection, asked and	16:58:26
18	answered.	16:58:26
19	THE WITNESS: There's no liquidation here.	16:58:28
20	We're not doing damage analysis here. We're just	16:58:29
21	illustrating how the before and after works. If you	16:58:30
22	find that confusing, then you don't have to look at	16:58:32
23	it.	16:58:47
24	BY MR. PICKETT:	16:58:47
25	Q. Okay. I don't find it confusing. I want	16:58:47
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1	to know why you used 2011 data rather than 2010 for	16:58:50
2	purposes of creating the benchmark based on Figure	16:58:52
3	19?	16:58:52
4	MR. GLACKIN: I'm going to object to	16:58:53
5	that that's the third time in a row you've asked	16:58:53
6	the exactly the same question, you've gotten an	16:58:55
7	answer and we're wasting time.	16:58:56
8	THE WITNESS: I'd be happy if you suggest a	16:58:59
9	table to be revised, I would be happy to change that	16:59:01
10	to 2004, '10, '11, take that average and do the	16:59:06
11	damage analysis with respect to that. If you	16:59:10
12	think if that's your recommendation, then it's	16:59:10
13	pretty straightforward and make that calculation.	16:59:10
14	BY MR. PICKETT:	16:59:19
15	Q. And you'd be fine with that?	16:59:19
16	A. Well, I don't know that I would be fine. I	16:59:21
17	think we ought to use the regression analysis. The	16:59:23
18	whole point of it it's just that as a warm-up of	16:59:26
19	doing regression in order so you can sensibly think	16:59:29
20	about what the control variables are. And you're	16:59:32
21	completely misinterpreting this paragraph.	16:59:34
22	Q. Don't you say in paragraph 136 that, "An	16:59:37
23	estimate of the effect of the Non-Compete Agreements	16:59:39
24	on employee compensation can be found by contrasting	16:59:42
25	compensation during the periods when the Agreements	16:59:50
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1	were in effect with compensation before and after	16:59:54
2	the Non-Compete Agreements"?	16:59:56
3	A. That's what the conduct variable does. It	16:59:58
4	turns on and off according to these periods.	17:00:00
5	Q. So Paragraphs 136, 137, 138, 139, Figure	17:00:05
6	19, paragraph 140 and are irrelevant to your	17:00:08
7	report?	17:00:12
8	A. No, 136 is completely relevant. It applies	17:00:13
9	both to the regression analysis and to the table.	17:00:17
10	Table 137, 138, and 139 are are a search for	17:00:24
11	appropriate comparison periods. It's a casual	17:00:27
12	informal search. And the goal is to make it clear	17:00:31
13	to you that a casual informal search is not the way	17:00:40
14	to go. We need to use a regression and control for	17:00:44
15	the differences in the periods.	17:00:48
16	Q. Did you engage in any other casual,	17:00:50
17	informal searches associated with any of the other	17:00:52
18	results reported in your report?	17:00:55
19	A. No, I did not.	17:00:57
20	Q. Why did you use one here?	17:00:58
21	MR. GLACKIN: Objection, asked and	17:01:00
22	answered. This would be the fourth or fifth time	17:01:01
23	for the same question. We are wasting time.	17:01:02
24	THE WITNESS: So my impression is, if you	17:01:06
25	look at Figure 20, you're going to find that pretty	17:01:10
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1	off-putting. It's a long regression equation, and	17:01:14
2	the logic the fundamental logic that underlies it	17:01:16
3	is what I am trying to get to with those sequence of	17:01:23
4	paragraphs that we're talking about.	17:01:27
5	I'm simply trying to make sure you	17:01:28
6	understand what that regression is all about.	17:01:30
7	BY MR. PICKETT:	17:01:33
8	Q. You consider Figure 19 to be a preliminary	17:01:33
9	analysis?	17:01:37
10	A. No, I don't consider it a preliminary	17:01:37
11	analysis. I consider it an illustrative analysis.	17:01:39
12	The only extent to which you might consider it	17:01:44
13	preliminary, is the fact that you get that 12.9	17:01:50
14	percent damages. But I'm not standing by that. I'm	17:01:54
15	telling that you got to do the regression analysis.	17:01:58
16	This is not how I'm doing damage analysis. I'm just	17:02:03
17	saying how you do it is you compare the period in	17:02:06
18	which the agreements were in place with relevant	17:02:09
19	alternative periods.	17:02:12
20	And you got to think long and hard what	17:02:13
21	those relative alternative periods are, which is	17:02:15
22	what regression does.	17:02:17
23	Q. One factor you used in your regression	17:02:20
24	analysis was firm revenue per employee, do you	17:02:22
25	recall that?	17:02:26
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1	A. Correct.	17:02:26
2	Q. And did you have that revenue data for	17:02:26
3	Pixar?	17:02:28
4	A. No, we do not have that for Pixar.	17:02:29
5	Q. What did you do to compensate, if	17:02:31
6	anything?	17:02:34
7	A. There have to be some the earlier Pixar	17:02:36
8	data must be available. In fact, there are revenue	17:02:37
9	data for Pixar earlier in the data set, otherwise	17:02:39
10	you couldn't have researched this equation.	17:02:55
11	So both Lucasfilm and Pixar have incomplete	17:02:56
12	record with regard to revenue. We made a big effort	17:02:58
13	to fill in the revenue data as close as we can.	17:03:02
14	Q. Did you estimate it for the gaps?	17:03:07
15	A. No, we took it from the depositions from	17:03:11
16	the financial reports.	17:03:13
17	Q. Is that work in your backup?	17:03:14
18	A. That's in a backup. But I would add it's	17:03:15
19	fair to say, and you will find out, that the revenue	17:03:19
20	data is incomplete for both those firms, which means	17:03:22
21	that in those years in which the revenue is not	17:03:31
22	available, those firms played no role in that	17:03:33
23	regression.	17:03:35
24	Q. If you look at Figure 22, estimated impact	17:03:36
25	on class total compensation?	17:03:40
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1	STATE OF CALIFORNIA) ss:
2	COUNTY OF MARIN)
3	
4	I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5	certify:
6	That the foregoing deposition testimony was
7	taken before me at the time and place therein set
8	forth and at which time the witness was administered
9	the oath;
10	That the testimony of the witness and all
11	objections made by counsel at the time of the
12	examination were recorded stenographically by me,
13	and were thereafter transcribed under my direction
14	and supervision, and that the foregoing pages
15	contain a full, true and accurate record of all
16	proceedings and testimony to the best of my skill
17	and ability.
18	I further certify that I am neither counsel for
19	any party to said action, nor am I related to any
20	party to said action, nor am I in any way interested
21	in the outcome thereof.
22	IN THE WITNESS WHEREOF, I have transcribed my
	name this 29th day of October, 2012.
23	
24	
25	ASHLEY SOEVYN, CSR No. 12019
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